

REMARKS/ARGUMENTS

Applicant thanks the Examiner for the interview conducted on November 23, 2004. Applicant herein amends claims 1, 2, 11, 17, 21, 30 and 37. Applicant also herein adds new claims 90-93. No new matter has been added with this Response. Applicant submits that current claims 1-53 are now in condition for allowance. Reconsideration of all outstanding rejections in light of the amendments and the following remarks is therefore respectfully solicited.

In the Non-Final Office Action mailed June 1, 2004, the Examiner rejected claims 1-49 under 35 U.S.C. § 103(a) as being unpatentable over U.S. PG Pub. 2002/0052933 to Leonhard et al. (hereinafter "Leonhard") in view of U.S. Patent No. 5,323,244 to Yamaguchi (hereinafter "Yamaguchi"). The Examiner stated that Leonhard teaches a system for secure licensing of content to a user on a user network enabled device. The Examiner further stated that Yamaguchi teaches inhibiting production of a user-perceptible form of the selected content when conditions defined by the access information are not met. The Examiner stated that it would have been obvious to one of ordinary skill in the art to modify Leonhard with Yamaguchi, because it would ensure that only the authorized user with specified access rights can access the content for reproduction.

Applicant's Amended Claims

Applicant amends claims 1, 2, 11, 17, 21, 30 and 37, and adds new claims 90-93, to further explain the nature of its invention. Applicant's invention discloses a license generator programmed to generate an encrypted license associated with selected encrypted content.

The encrypted license includes access information that defines conditions for controlling a user network-enabled device, and an encryption key that enables the user to produce a user-perceptible form of the selected encrypted content.

Applicant's amended claims further disclose that the encrypted license is associated with a specific user network-enabled device, and a specific media player therein. To prevent unauthorized transfer of selected encrypted content, the access information specifies which user network-enabled device, and which media player therein, will be used by the user to produce the

selected encrypted content in a user perceptible form. Thus, Applicant's invention specifies the usage conditions for selected encrypted content, so that for example if a user downloads a file to his PC, and then attempts to transfer the file to another PC, the content will not be able to be produced in a user perceptible form.

Applicant's amended claims also disclose a root key. In addition to selected content being encrypted, Applicant's license is also encrypted for added security. The root key enables decryption of the encrypted license to allow the access information and the encryption key in the encrypted license to be accessed by media player and security technology programmed on the user network-enabled device. The media player and security technology controls the media player and the user network-enabled device identified in the encrypted license to produce the user perceptible form of the selected encrypted content.

Applicant submits that none of these features are taught by either Leonhard or Yamaguchi. Applicant therefore respectfully requests withdrawal of the rejected claims, and the issuance of Notice of Allowance.

References Cited In Office Action

Leonhard teaches a method and apparatus for licensing media over a network, by providing users with the ability to find and purchase a license to media content electronically. Leonhard contemplates a system and method of electronically obtaining licensing rights in the legal sense, such as acquiring exclusive rights to a media file or song (Leonhard, p. 20, paragraph 422).

Applicant's invention is entirely different than Leonhard. Applicant's use of the term "license" does not contemplate acquisition of rights to content in the legal sense. Instead, Applicant's invention provides users the ability to search for and rent, subject to certain conditions, media content to be downloaded to a user's network enabled device. Thus, users of Applicant's invention does not wish to acquire the licensing rights to the selected media. To further highlight the very different nature of Applicant's invention from that of Leonhard, Applicant points out that its license is itself encrypted. In Leonhard, however, there is no need to encrypt the license, since it does not contain access information or an encryption key to enable

content to be produced. One of ordinary skill in the art would therefore not find Applicant's and Leonhard's use of the term "license" to be the same.

Yamaguchi teaches a recording and reproducing apparatus suitable for keeping recorded video and audio signals secret. The invention of Yamaguchi scrambles a video signal and/or audio signal in such a manner that the scrambled signals cannot be easily descrambled if an ID code is read by an unlicensed or unauthorized person. (Yamaguchi, 2: 27-31).

This is also entirely different than the security aspects of Applicant's invention. Applicant encrypts both a license and the selected content, such that a root key and an encryption key are needed to gain access to the data contained in the license and the selected content. Encryption does not involve scrambling a video or audio signal.

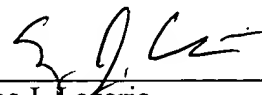
The Examiner asserts that one of ordinary skill in the art would be motivated to combine the electronic licensing system of Leonhard with Yamaguchi to produce Applicant's invention. However, neither Leonhard nor Yamaguchi, either alone or in combination, teach all of the features of Applicant's invention described above. Additionally, one would not be motivated to combine Leonhard and Yamaguchi. There is no suggestion in Leonhard to encrypt the license, since one would have no reason to encrypt Leonhard's license, as it does not contain any information that electronically enables selected content to be produced. There is also no suggestion in Leonhard to ensure that only the authorized user with specified access rights can access the content for reproduction. There is further no suggestion in Leonhard to inhibit or allow production of content in a user perceptible form subject to certain access information included within a license. Leonhard provides users the ability to search for and obtain an acquisition of rights to particular content. However, it does not contemplate integrating certain conditions under which the content can be electronically reproduced. Because the objective of Leonhard is to provide the license, not the content, one would not be motivated to search for Yamaguchi for ensuring access to the content.

CONCLUSION

In view of the above amendments and remarks, Applicants believe that the application is now in condition for allowance, and the Examiner is respectfully requested to withdraw the rejection under 35 U.S.C. 103(a). If, in the opinion of the Examiner, a telephone conference would expedite the prosecution of the subject application, the Examiner is invited to call the undersigned attorney at (213) 896-6897.

Respectfully submitted,

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